

EXHIBIT A

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

===== X

ARLENE CUTRONE,

Plaintiff,

-against-

BJ'S WHOLESALE CLUB HOLDINGS, INC.,
and BJ'S MEMBERSHIP CLUB, INC d/b/a BJ's
WHOLESALE CLUB

Defendants.

=====X

Index No.:

Date Purchased:

SUMMONS

Plaintiff designates
NASSAU COUNTY
County as place of trial

The basis of the venue is:
Plaintiff Residence
818 Palmetto Drive
Franklin Square, NY 11010

To the above named defendants:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's Attorneys within 20 days after the service of this summons exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded herein.

Dated: Garden City, New York
March 19, 2020

CHOPRA & NOCERINO, LLP.



By: **NICOLE RAMON, ESQ.**

Attorneys for Plaintiff

ARLENE CUTRONE

Address and Telephone Number

100 Quentin Roosevelt Blvd, Suite 107

Garden City, New York 11530

(212) 868-3600

File No.: 1792.ANNR

Defendant's Addresses:

**BJ'S WHOLESALE CLUB HOLDINGS, INC. and BJ'S MEMBERSHIP CLUB, INC d/b/a
BJ's WHOLESALE CLUB WHOLESALE CLUB**

c/o C T CORPORATION SYSTEM

28 Liberty St.

New York, NY 10005

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

===== X

ARLENE CUTRONE,

Plaintiff,

VERIFIED COMPLAINT

-against-

THE STOP & SHOP SUPERMARKET COMPANY
LLC. d/b/a STOP & SHOP,

Defendant.

===== X

ARLENE CUTRONE, by her attorneys CHOPRA & NOCERINO, LLP, complaining of the defendants herein, respectfully shows to this court and alleges as follows:

1. That at all of the times hereinafter alleged, **ARLENE CUTRONE**, was a resident of the County of Nassau, City and State of New York.

2. That on July 3, 2018, and at all the times hereinafter alleged, and upon information and belief, the defendant, **BJ'S WHOLESALE CLUB HOLDINGS, INC.**, was and still is a foreign corporation authorized to do business under and by virtue of the laws of the State of New York.

3. That on July 3, 2018, and at all the times hereinafter alleged, and upon information and belief, the defendant, **BJ'S WHOLESALE CLUB HOLDINGS, INC.**, was and still is a domestic corporation authorized to do business under and by virtue of the laws of the State of New York.

4. That on July 3, 2018, and at all of the times hereinafter mentioned, and upon information and belief, the defendant, **BJ'S WHOLESALE CLUB HOLDINGS, INC.**, maintained a principal place of business in the County of Nassau and State of New York.

5. That on July 3, 2018, and at all the times hereinafter alleged, and upon information and belief, the defendant, **BJ'S WHOLESALE CLUB HOLDINGS, INC.**, was a company organized and existing under and by virtue of the laws of the State of New York.

6. That on July 3, 2018, and at all of the times hereinafter mentioned, and upon information and belief, the defendant, **BJ'S WHOLESALE CLUB HOLDINGS, INC.**, controlled the premises known as BJ's Wholesale Club located at 711 Stewart Avenue, Garden City, NY 11530 in the County of Nassau, State of New York.

7. That on July 3, 2018, and at all of the times hereinafter mentioned, and upon information and belief, the defendant, **BJ'S WHOLESALE CLUB HOLDINGS, INC.**, managed the premises known as BJ's Wholesale Club located at 711 Stewart Avenue, Garden City, NY 11530 in the County of Nassau, State of New York.

8. That on July 3, 2018, and at all of the times hereinafter mentioned, and upon information and belief, the defendant, **BJ'S WHOLESALE CLUB HOLDINGS, INC.**, operated the premises known as BJ's Wholesale Club located at 711 Stewart Avenue, Garden City, NY 11530 in the County of Nassau, State of New York.

9. That on July 3, 2018, and at all of the times hereinafter mentioned, and upon information and belief, the defendant, **BJ'S WHOLESALE CLUB HOLDINGS, INC.**, maintained the premises known as BJ's Wholesale Club located at 711 Stewart Avenue, Garden City, NY 11530 in the County of Nassau, State of New York.

10. That on July 3, 2018, and at all of the times hereinafter mentioned, and upon information and belief, the defendant, **BJ'S WHOLESALE CLUB HOLDINGS, INC.**, owned the premises known as BJ's Wholesale Club located at 711 Stewart Avenue, Garden City, NY 11530 in the County of Nassau, State of New York.

11. That on July 3, 2018, and at all of the times hereinafter mentioned, and upon information and belief, the defendant, **BJ'S WHOLESALE CLUB HOLDINGS, INC.**, leased the premises known as BJ's Wholesale Club located at 711 Stewart Avenue, Garden City, NY 11530 in the County of Nassau, State of New York.

12. That on July 3, 2018, and at all the times hereinafter alleged, and upon information and belief, the defendant, **BJ'S MEMBERSHIP CLUB, INC d/b/a BJ's WHOLESALE CLUB** , was and still is a foreign corporation authorized to do business under and by virtue of the laws of the State of New York.

13. That on July 3, 2018, and at all the times hereinafter alleged, and upon information and belief, the defendant, **BJ'S MEMBERSHIP CLUB, INC d/b/a BJ's WHOLESALE CLUB** , was and

still is a domestic corporation authorized to do business under and by virtue of the laws of the State of New York.

14. That on July 3, 2018, and at all of the times hereinafter mentioned, and upon information and belief, the defendant, **BJ'S MEMBERSHIP CLUB, INC d/b/a BJ's WHOLESALE CLUB** , maintained a principal place of business in the County of Nassau and State of New York.

15. That on July 3, 2018, and at all the times hereinafter alleged, and upon information and belief, the defendant, **BJ'S MEMBERSHIP CLUB, INC d/b/a BJ's WHOLESALE CLUB**, was a company organized and existing under and by virtue of the laws of the State of New York.

16. That on July 3, 2018, and at all of the times hereinafter mentioned, and upon information and belief, the defendant, **BJ'S MEMBERSHIP CLUB, INC d/b/a BJ's WHOLESALE CLUB**, controlled the premises known as BJ's Wholesale Club located at 711 Stewart Avenue, Garden City, NY 11530 in the County of Nassau, State of New York.

17. That on July 3, 2018, and at all of the times hereinafter mentioned, and upon information and belief, the defendant, **BJ'S MEMBERSHIP CLUB, INC d/b/a BJ's WHOLESALE CLUB**, managed the premises known as BJ's Wholesale Club located at 711 Stewart Avenue, Garden City, NY 11530 in the County of Nassau, State of New York.

18. That on July 3, 2018, and at all of the times hereinafter mentioned, and upon information and belief, the defendant, **BJ'S MEMBERSHIP CLUB, INC d/b/a BJ's WHOLESALE CLUB**,

operated the premises known as BJ's Wholesale Club located at 711 Stewart Avenue, Garden City, NY 11530 in the County of Nassau, State of New York.

19. That on July 3, 2018, and at all of the times hereinafter mentioned, and upon information and belief, the defendant, **BJ'S MEMBERSHIP CLUB, INC d/b/a BJ's WHOLESALE CLUB**, maintained the premises known as BJ's Wholesale Club located at 711 Stewart Avenue, Garden City, NY 11530 in the County of Nassau, State of New York.

20. That on July 3, 2018, and at all of the times hereinafter mentioned, and upon information and belief, the defendant, **BJ'S MEMBERSHIP CLUB, INC d/b/a BJ's WHOLESALE CLUB**, owned the premises known as BJ's Wholesale Club located at 711 Stewart Avenue, Garden City, NY 11530 in the County of Nassau, State of New York.

21. That on July 3, 2018, and at all of the times hereinafter mentioned, and upon information and belief, the defendant, **BJ'S MEMBERSHIP CLUB, INC d/b/a BJ's WHOLESALE CLUB**, leased the premises known as BJ's Wholesale Club located at 711 Stewart Avenue, Garden City, NY 11530 in the County of Nassau, State of New York.

22. That on or about July 3, 2018, the plaintiff, **ARLENE CUTRONE**, was on the aforesaid premises.

23. That on or about July 3, 2018, while the plaintiff, **ARLENE CUTRONE**, was on the aforesaid premises, she was caused to be injured when an employee operating machinery lowered a

pallet, dropped a pallet, and/or improperly operated machinery holding a pallet containing watermelons onto plaintiff's foot causing severe and permanent injuries.

24. That the aforesaid accident and the injuries resulting therefrom were due solely and wholly as a result of the careless and negligent manner in that the defendants owned, operated, maintained, managed, leased and controlled the aforesaid premises , without the plaintiff in any way contributing thereto.

25. That defendants were negligent in entrusting the defendant operator to use the machinery on the date of accident despite having actual or constructive notice of the defendant operators propensity to cause harm while using said equipment.

26. That defendants were negligent in failing to conduct proper screening and inspections of their employees life history, work related activities, licenses and criminal background prior to permitting the said individual to operate machinery within the premise.

27. That defendants were negligent in failing to train, supervise and hire adequate competent help.

28. That defendants negligently caused and created the subject accident by failing to take foreseeable and reasonable preventative measures to avoid the said occurrence.

29. That defendants were negligent in failing to provide a safe work area, inspect machinery, inspect pallets, and ensure pallets did not have an overload at the time of the occurrence.

30. That the defendants were herein negligent, reckless and careless in that they violated their duties to persons on the aforesaid premises and to this plaintiff in particular, in knowingly permitting, suffering and allowing the aforesaid premises to become a dangerous, unsafe and defective condition;

in failing to properly train employees, agents, contractors and/or servants; in failing to place proper warning signs advising of said condition; in allowing said area to become and/or remain a dangerous and hazardous condition; in failing to take suitable precautions, in failing to inspect for the safety of persons lawfully on the aforesaid premises, in failing to take reasonable and proper affirmative action to exercise a duty of care and remedy same, by failing to remove dangerous conditions, in failing to remedy and/or alleviate these conditions despite actual and constructive notice of same.

31. That by reason of the foregoing and the negligence of the defendants, the plaintiff, **ARLENE CUTRONE** was severely injured, bruised and wounded, suffered, still suffers and will continue to suffer for some time physical pain and bodily injuries and became sick, sore, lame and disabled and so remained for a considerable length of time.

32. That by reason of the foregoing, the plaintiff, **ARLENE CUTRONE** was compelled to and did necessarily require medical aid and attention, and did necessarily pay and become liable therefor, for medicines and upon information and belief, the plaintiff, **ARLENE CUTRONE**, will necessarily incur similar expenses.

33. That by reason of the foregoing, the plaintiff, **ARLENE CUTRONE**, has been unable to attend to her usual occupation in the manner required.

34. That one or more of the exceptions of §1602 of the Civil Practice Law and Rules do apply to the within action.

35. That as a result of the foregoing, the plaintiff, **ARLENE CUTRONE**, has been damaged in a sum which exceeds the jurisdictional limits of all lower courts.

WHEREFORE, plaintiff **ARLENE CUTRONE**, demands judgment against the defendants in a sum which exceeds the jurisdictional limits of all lower courts all together with the costs and disbursements of this action.

Dated: Garden City, New York
March 19, 2020

A handwritten signature in blue ink, appearing to read 'N. Ramon', is written over a horizontal line.

CHOPRA & NOCERINO, LLP.

By: NICOLE RAMON, ESQ.

Attorneys for Plaintiff

100 Quentin Roosevelt Blvd, Suite 107

Garden City, New York 11530

212-868-3600

STATE OF NEW YORK, COUNTY OF NASSAU ss.:

I, the undersigned, an attorney admitted to practice in the courts of New York State, state under penalty of perjury that I am one of the attorneys for the Plaintiff in the within action; I have read the foregoing SUMMONS AND COMPLAINT and know the contents thereof; the same is true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe to be true. The reason this verification is made by me and not by my client, is that my client is not presently in the County where I maintain my offices. The grounds of my belief as to all matters not stated upon my own knowledge are the materials in my file and the investigations conducted by my office.

Dated: Garden City, New York
March 19, 2020



NICOLE RAMON

Index No.:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

ARLENE CUTRONE,

Plaintiff,

-against-

BJ'S WHOLESALE CLUB HOLDINGS, INC. and
BJ'S MEMBERSHIP CLUB, INC d/b/a BJ's WHOLESALE
CLUB WHOLESALE CLUB

Defendants.

SUMMONS AND VERIFIED COMPLAINT

CHOPRA & NOCERINO, LLP.

Attorneys for Plaintiff

Office and Post Office Address, Telephone

100 Quentin Roosevelt Blvd, Suite 107

Garden City, New York 11530

T: 212-868-3600

F: 212-868-1300

File No.: 1792.ANNR
